THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HONBLE DR. JUSTICE G.YETHIRAJULU

–

WRIT APPEAL NO.2376 OF 2005.

DATED: 12-12-2005

Between

1.Kammari Hymavathi wife of late
K.Krishnamachari @ Krishnaiah,
aged about 36 yrs, r/o Kothur village
& Mandal, Mahaboob nagar district
and 4 others

….Appellants

And

1.The Chairman-cum-Managing
Director, C.P.D.C.L.(Central Power
Distribution Co., Ltd., SingareniBhawan,
Nampally, Hyderabad, A.P. and 3 others

…Respondents

–

JUDGMENT (Per Sri B.Prakash Rao, J)

Heard both sides and at their request, the main appeal itself is taken up for disposal.

The appellants herein are the writ petitioners who filed this appeal aggrieved against the order passed by the learned single Judge in the writ petition filed by them, whereunder the learned Judge was pleased to award only an amount of Rs.1,00,000/- towards compensation in place of total amount as claimed by them.

Few facts which are necessary for disposal of this appeal are that the husband of the 1st appellant worked as casual labour since 1979 and he got electrocuted and died on 01-10-2001 while discharging his duties. He being the only bread winner of the family, the appellants sought compensation. Initially, a sum of Rs.20,000/- was paid though the 4th respondent announced Rs.2,00,000/- as compensation. In the writ petition, the petitioners claimed compensation of Rs.2,00,000/-.

The claim of the respondents was that as the line Inspector and the Lineman recklessly put on the power supply to the pole and the husband of the petitioner was got electrocuted and died and therefore, the department cannot be liable.

In view of the pleas raised on either side and also in view of the principles laid down under Article 21 of the Constitution of India before the learned Judge, it was held that the appellants/petitioners are entitled to compensation of Rs.1,00,000/- tentatively leaving it open for them to avail proper remedies as contemplated under the law.

Having considered the submissions made and on perusal of record, it is seen that there is some force in the contention of the learned counsel for the appellants and the appellants would be certainly entitled to much more compensation than the one as determined by the learned single Judge especially in view of the fatal accident which has occurred. However, inspite of the principles as laid down under Article 21 of the Constitution of India, it is very difficult for this Court to come to a proper conclusion and fix the compensation under various heads as contemplated under the law and it is only proper authority which can aptly go into the matter and fix the compensation. However, *prima facie,* we are of the view that even the sum awarded by the learned single Judge is low and we deem it appropriate to enhance the same to Rs.1,50,000/-.

Accordingly, the writ appeal is allowed and the appellants are entitled to an amount of Rs.1,50,000/- (Rupees one lakh fifty thousands only) towards compensation tentatively and this would be in addition to the ex-gratia amount paid by the respondents and it is also left open for the appellants to avail all such remedies in a private law and seek necessary compensation. The respondents are directed to pay the said amount of compensation of Rs.1,50,000/- within a period of two weeks from today. No costs.

B.PRAKASH RAO, J

Dated: 12-12-2005.

Hsd

G.YETHIRAJULU, J